IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.662 OF 2006

In

SUIT NO.451 OF 2006

Raymond Limited : Plaintiff

V/s.

Mr.Anil Kapoor & Ors. : Defendants

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Mr.Salil Shah with Mr.Amit Vyas i/b. M/s.Rajani & Associates for the plaintiff.

None present for the defendants, though served.

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CORAM : S.A.BOBDE, J.

DATE : JANUARY 29, 2007.

P.C.

1. The plaintiff seeks to protect their registered trade mark "Raymond". The registration certificate is at exhs.‘B’ & ‘C’. The registered copyright is at exh.‘D’.

2. The plaintiff seeks an injunction restraining the defendants from using the word/mark "Raymond" or any other mark/logo device/get up identical with or deceptively similar to the plaintiff’s registered trade mark bearing nos.193273 and 407166. It also seeks an injunction

restraining the defendants from infringing their registered copyright bearing registration no.A-52427/93 dated 20.12.1993 at exh.‘D’ using the word "Raymond" as part of any signage/hoarding/facade board on their shop or in any carry bags/poly bags or in any stationeries, etc. The plaintiff also seeks an injunction restraining the defendants from passing off the defendants’ goods as that of the plaintiff.

3. The defendants, though served, have not filed any reply to oppose the plaintiff’s prayer nor are they represented today. It is obvious from exhs.‘F-1’ and ‘F-2’ that the defendants are using the registered mark of word "Raymond" exactly written in the same style used by the plaintiff. The defendants appear to be using the mark on their shop as also on the carry bags as is apparent from the aforesaid exhibits ‘F-1’ and ‘F-2’. In the circumstances, it is a fit case which warrants an injunction.

4. Hence, there shall be an injunction in terms of prayer clauses (a), (b), (c), (d) and (e) of the Notice of Motion. Order accordingly.

5. Notice of Motion stands disposed of.

S.A. BOBDE, J.